

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

GUANG YANG and ZHOU CAUO,)
)
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Plaintiffs,)
)
)
v.) **Case No. CIV-24-1067-R**
)
)
STATE OF OKLAHOMA, ex rel.)
OKLAHOMA STATE BUREAU OF)
NARCOTICS AND DANGEROUS)
DRUGS CONTROL, et al.,)
)
)
Defendants.)

ORDER

Before the Court is Plaintiffs Guang Yang and Zhou Cauo's Amended Complaint [Doc. No. 6]. Plaintiffs filed their Complaint [Doc. No. 1] on October 11, 2024. On November 13, 2024, Defendants filed their Motion to Dismiss [Doc. No. 5] pursuant to Federal Rule of Civil Procedure 12(b)(6). On December 16, 2024, Plaintiffs filed their Amended Complaint. Doc. No. 6. Because the Amended Complaint was filed more than 21 days after being served with a 12(b) motion without leave of Court or the written consent of Defendants, it is hereby stricken.

Under Rule 15(a), a "party may amend its pleading once as a matter of course no later than 21 days after serving it, or if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier. Fed. R. Civ. P. 15(a)(1)(A)-(B).

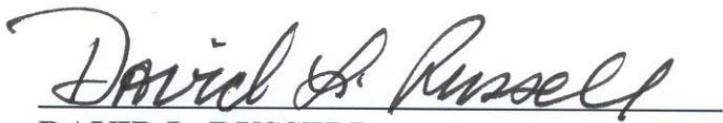
“In all other cases, a party may amend its pleading only with the opposing party’s written consent or the court’s leave.” Fed. R. Civ. P. 15(a)(2).

Under Rule 11(a), “[e]very pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney’s name—or by a party personally if the party is unrepresented...The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney’s or party’s attention.” Fed. R. Civ. P. 11(a).

Plaintiffs’ Amended Complaint was filed more than 21 days after Defendants served their Rule 12 Motion to Dismiss. Doc. No. 5 at p. 19. Thus, to amend their Complaint, Plaintiffs are required to either receive Defendants’ consent or seek leave from the Court. See Fed. R. Civ. P. 15(a)(2). Plaintiffs did neither prior to filing their Amended Complaint. Additionally, the Amended Complaint does not comply with Rule 11(a) because it is not signed by counsel. Doc. No. 6 at p. 11.

Accordingly, the Amended Complaint is STRICKEN.

IT IS SO ORDERED this 17th day of December, 2024.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE